

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-5637 MWF (MRW)	Date	December 13, 2023
Title	Widby v. Horn		

Present:	Hon. Michael R. Wilner, U.S. Magistrate Judge		
	James Muñoz	n/a	
	Deputy Clerk	Court Reporter / Recorder	
	Attorneys for Petitioner:	Attorneys for Respondent:	
	n/a	n/a	

Proceedings: ORDER TO SHOW CAUSE RE: DISMISSAL

1. This is a habeas action involving a self-represented state prisoner. In late October 2023, the Attorney General moved to dismiss the action as untimely and unexhausted under AEDPA (the federal statute governing such actions). (Docket # 13.)

2. The Court previously informed Petitioner that his response to a dismissal motion would be due within 30 days of the filing of the motion. (Docket # 8 at 2.) However, to date, Petitioner has not filed anything on response to the state's motion.

3. The Court could properly dismiss the motion as unopposed under the Local Rules of Court. As an accommodation to a prison-based litigant, though, the Court instead **ORDERS** Petitioner to show cause for his failure to respond to the motion in a timely manner. Petitioner may discharge this OSC by submitting a sworn response to the order plus his substantive opposition (or statement of non-opposition) to the motion by or before January 19.

Failure to comply with the terms of this order may result in a recommendation that the action be dismissed for failure to prosecute pursuant to Federal Rule of Civil Proc. 41(b). *Applied Underwriters, Inc. v. Lichtenegger*, 913 F.3d 884 (9th Cir. 2019).